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| 09/727,182   | 11/30/2000  | Niels Mache          | 282447US8X                  | 5601             |
| 22850  | 7590        | 03/17/2009           |                             |                  |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | EXAMINER<br>LAZARO, DAVID R |                  |
|  |             |                      | ART UNIT                    | PAPER NUMBER     |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

09/727,182

Applicant(s)

MACHE ET AL.

Examiner

DAVID LAZARO

Art Unit

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to the amendment filed 11/21/08.
2. Claims 1, 12 and 15 were amended.
3. Claim 22 is newly added.
4. Claims 1-22 are pending in this office action.

***Response to Amendment***

5. The examiner withdraws the rejection of claims 12-14 under 35 USC 101 based on applicant's amendment to claim 12.
6. Applicant's arguments filed 11/21/08 have been fully considered but they are not persuasive.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-18 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,740,230 by Vaudreuil (Vaudreuil).

10. With respect to claim 1, Vaudreuil teaches Vaudreuil teaches a system for transmitting messages over a multimedia network from a sending client to a target client, the messages comprising target client information (Col. 1 lines 52-58), the system comprising:

a plurality of message gateways (Col. 7 lines 52-65), each message gateway being configured to receive and transmit over at least one dedicated transfer medium (Col. 7 lines 54-59 and Col. 3 line 66 – Col. 4 line 20), and

a message broker (Col. 7 line 65 – Col. 8 line 1; note the examiner is interpreting the 'remainder of the software system' on the hub to be the message broker) connected to the message gateways (Col. 7 line 65- Col. 8 line 1) and being provided with a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65),

wherein a first message gateway receives a message from a sending client over a first transfer medium (Col. 10 lines 37-41 and Col. 12 lines 21-36) and transmits the message and/or an information extracted thereof to the message broker, the message including meta information and content (Col. 26 line 30-59: message subject matter field and message content), the message broker automatically selects an appropriate second transfer medium depending on the content of the client database and the meta information of the message without processing the content of the message (Col. 15 lines 13-20, Col. 19 lines 49-56 and Col. 26 line 30 - Col. 27 line 26), and the message is sent to the target client via a second message gateway configured to transmit over the second transfer medium selected by the message broker (Col. 6 lines 46-65).

11. With respect to Claim 2, Vaudreuil further teaches wherein a common internal message format is used for the communication respectively between the message broker and the message gateways (Col. 6 line 65 – Col. 7 line 9 and Col. 13 lines 2-15 and Col. 19 lines 36-48 of Vaudreuil)

12. With respect to Claim 3, Vaudreuil further teaches the message gateways are distributed over the network (See Fig. 1 of Vaudreuil – note gateways are part of the hub functionality).

13. With respect to Claim 4, Vaudreuil further teaches the transfer media comprise analog and digital transfer media (Col. 7 lines 49-60 of Vaudreuil).

14. With respect to Claim 5, Vaudreuil further teaches at least one message processor provided between the first and the second message gateway for further processing the content of the message to be transmitted (Col. 19 line 66 – Col. 20 line 8 of Vaudreuil).

15. With respect to Claim 6, Vaudreuil further teaches the client database comprises addresses of clients (Col. 21 lines 41-46), client preferences (Col. 20 lines 9-11) and/or characteristics of the transfer network to the corresponding target client (Col. 20 lines 11-12 of Vaudreuil).

16. With respect to Claim 7, Vaudreuil further teaches the message broker is designed to furthermore perform processing control (Col. 8 lines 22-65 of Vaudreuil) and/or security processing (Col. 28 lines 63-67 of Vaudreuil).

17. With respect to Claim 8, Vaudreuil further teaches the message broker is designed to furthermore perform accounting and/or billing (Col. 9 lines 61-65 of Vaudreuil).

18. With respect to Claim 9, Vaudreuil further teaches a plurality of message brokers is provided (See Fig. 1 of Vaudreuil – note message brokers are a part of hub functionality).

19. With respect to Claim 10, Vaudreuil teaches all the limitations of Claim 9 and further teaches at least one message broker being connected with a client database with reduced capacity (Col. 7 lines 61-65 and Col. 8 lines 65-67 of Vaudreuil).

20. With respect to Claim 11, Vaudreuil teaches all the limitations of Claim 1 and further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

21. With respect to Claim 12, Vaudreuil teaches a message broker unit for a distributed multimedia system, comprising:

a hardware unit designed to autonomously select an appropriate transfer medium out of a plurality of transfer media for messages received from a sending client and to be transferred to a target client (Col. 4 lines 46-49 and Col. 19 lines 49-57), the message including meta information and content (Col. 26 line 30-59: message subject matter field and message content), wherein the message broker unit (Col. 6 lines 46-48) is connected to a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the transfer medium selection is performed depending on target client information included in the meta information of message and the content of the client database without

processing the content of the message (Col. 15 lines 13-20, Col. 19 lines 49-56 and Col. 26 line 30 - Col. 27 line 26).

22. With respect to Claim 13, Vaudreuil further teaches the transfer medium selection is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil)

23. With respect to Claim 14, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

24. With respect to Claim 15, Vaudreuil teaches a method for sending messages over a multimedia network from a sending client to a target client, the message comprising target client information (Col. 1 lines 52-58), the method comprising the following steps:

transmitting the message in a first format (Col. 19 line 20 - Col. 20 line 21) from the sending client to a message broker over a first transfer medium (Col. 6 lines 46-48), the message including meta information and content (Col. 26 line 30-59: message subject matter field and message content), and

transmitting the message in a second format (Col. 19 line 20 - Col. 20 line 21) to the target client over a second transfer medium, wherein the second transfer medium can be identical to the first transfer medium (Col. 5 lines 60-66),

wherein the message broker selects an appropriate second transfer medium out of a plurality of transfer media depending on the content of a client database (Col. 19

lines 49-56) connected to the message broker (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the target client information included in the meta information of message without processing the content of the message (Col. 15 lines 13-20, Col. 19 lines 49-56 and Col. 26 line 30 - Col. 27 line 26).

25. With respect to Claim 16, Vaudreuil further teaches the transmission of the message from the sending client to the target client is performed essentially in real-time (Col. 24 line 63 – Col. 25 line 3 of Vaudreuil).

26. With respect to Claim 17, Vaudreuil further teaches a conversion from the first transfer medium to the second transfer medium is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil).

27. With respect to Claim 18, Vaudreuil further teaches before the transmission to the target client, the content of the message is further processed by digital signing, encryption, watermarking and/or translation (Col. 32 lines 57-64 and Col. 28 lines 63-67 of Vaudreuil).

28. With respect to Claim 20, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

29. With respect to Claim 21, Vaudreuil further teaches a computer readable medium including computer executable instructions, wherein the instructions, when executed by



a processor, cause the processor to perform a method according to Claim 15 (Col. 7 lines 47-49 of Vaudreuil and Please refer to Claim 15 rejection).

30. With respect to claim 22, Vaudreuil further teaches encrypting the message with a receiver key that is valid only for an intended receiver and a given message (Col. 28 line 63 - Col. 29 line 20).

31. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaudreuil in view of U.S. Patent 6,163,796 by Yokomizo (Yokomizo).

32. With respect to claim 19, Vaudreuil teaches all the limitations of Claim 15 but does not explicitly disclose a lifetime is attributed to each message and transmitting the message only during that lifetime. Yokomizo teaches a message can have a lifetime attributed to it (Col. 6 lines 4-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaudreuil and modify it as indicated by Yokomizo such that a lifetime is attributed to each message and the message is only transmitted until the expiration of the lifetime. One would be motivated to have this as this provides better efficiency in the messaging system (Col. 2 lines 5-9 of Yokomizo).

### ***Response to Arguments***

33. Applicant's arguments filed 11/21/2008 have been fully considered but they are not persuasive.

34. Applicant argues on page 8 of the remarks - "...*Vaudreuil determine the next destination for each message based only on information from the system database 147, not any meta information from the message.*"

a. Examiner's response - Vaudreuil explicitly discloses the use of meta information in Col. 26 line 30 - Col. 27 line 26. Particularly, message routing can be based on meta information describing the content as well as user preferences in relation t the meta information. Applicant's arguments are not persuasive.

35. Applicant argues on page 8 of the remarks - "*Further, column 19, lines 49-54 of Vaudreuil describe that the recipient selects the preferred media for receiving messages, not the sender. Accordingly, not only does Vaudreuil fail to teach or suggest "the message broker automatically selects an appropriate second transfer medium depending on content of the client database and the meta information of the message without processing the content of the message," to modify the device of Vaudreuil to include this feature would make the device described by Vaudreuil unsuitable for its intended purpose, which is to allow the recipient to select the preferred media for receiving messages.*"

b. Examiner's response - Its not clear how the claimed meta-information is necessarily tied to the sender making the selection of media delivery. Page 9 of applicant's specification indicates meta information generally provides information about the message content. Vaudreuil teaches this type of information in Col. 26 line 30 - Col. 27 line 26 and how it can be used to route the message to a particularly destination. Applicant's arguments are not persuasive.

***Conclusion***

36. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID LAZARO whose telephone number is (571)272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro/  
Primary Examiner, Art Unit 2455  
03/11/09